

Translation

PATENT COOPERATION TREATY



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002P17939WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2003/03566	International filing date (day/month/year) 27 October 2003 (27.10.2003)	Priority date (day/month/year) 12 November 2002 (12.11.2002)
International Patent Classification (IPC) or national classification and IPC G01S 13/74		
Applicant SIEMENS AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 4 sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

Date of submission of the demand 19 May 2004 (19.05.2004)	Date of completion of this report 18 January 2005 (18.01.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International Application No.

PCT/DE2003/003566

I. Basis of the report

1. With regard to the elements of the international application:*

 the international application as originally filed the description:

pages 1-8 , as originally filed

pages , filed with the demand

pages , filed with the letter of

 the claims:

pages 2-11, 13-21 , as originally filed

pages , as amended (together with any statement under Article 19

pages , filed with the demand

pages 1, 12 , filed with the letter of 19 November 2004 (19.11.2004)

 the drawings:

pages 1/2-2/2 , as originally filed

pages , filed with the demand

pages , filed with the letter of

 the sequence listing part of the description:

pages , as originally filed

pages , filed with the demand

pages , filed with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

 the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

 contained in the international application in written form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. The amendments have resulted in the cancellation of: the description, pages _____ the claims, Nos. _____ the drawings, sheets/fig _____5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-21	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-21	NO
Industrial applicability (IA)	Claims	1-21	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

D1: US-A-5 974 348 (ROCKS JAMES K) 26 October 1999 (1999-10-26)

D2: US-A-4 247 922 (JACKSON DALE H ET AL) 27 January 1981 (1981-01-27)

D3: US-A-5 943 476 (DOUGHERTY EDMOND J ET AL) 24 August 1999 (1999-08-24)

1. The amendments submitted with the letter of 24 November 2004 do not contravene PCT Article 34(2) (b) and PCT Article 19(2).
2. The present application does not satisfy the requirements of PCT Article 33(1) because the subject matter of claims 1-21 does not involve an inventive step within the meaning of PCT Article 33(3).

- 2.1. Document D1 discloses (the references in parentheses are to D1):

Independent Claims 1 and 12:

A method and system for detecting a mobile transport means that is suitable for transporting material (column 5, line 59), a detection device receiving

signals from signal transmitters, said signals being either emitted or reflected by the signal transmitters (column 2, lines 55-58), and so position coordinates (column 3, lines 1-2) and position angles of the transport means can be registered with the aid of a reference coordinate system.

The difference between the subject matter of claims 1 and 12 of the application and that of document D1 consists in the fact that D1 does not disclose that the detection device transmits signals. However, as a result of the reference to a reflection of the signal, a person skilled in the art would arrive at the solution according to claims 1 and 12 without thereby exercising inventive skill and would configure the detection device as a signal transmitter so that the transmitted signals can be answered or reflected by a signal beacon in the form of a responder.

A further difference between the subject matter of claims 1 and 12 of the application and that of document D1 is that D1 does not disclose the verification of a storage area, but describes instead, for example, uses in the agricultural industry (column 5, lines 47 and 48). However, a person skilled in the art would infer from the suggestion in column 5, lines 59-61, that the system disclosed in D1 is also applicable to the transport of materials to storage areas without thereby exercising inventive skill. Document D1 also discloses the control of the contact point of a piece of machinery or its operation based on position and orientation (column 14, lines 56-60). A person skilled in the art would apply this disclosed control

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to the transport of materials to storage areas without thereby exercising inventive skill and would therefore implicitly achieve the goal of "verifying a storage area" (see also the application example, column 10, lines 44-67).

Therefore, the subject matter of independent claims 1 and 12 is not inventive within the meaning of PCT Article 33(3).

2.2. The subject matter of dependent claims 2-11 and 13-21 is either generally known, obvious or disclosed by document D1.

Therefore, the subject matter of dependent claims 2-11 and 13-21 is not inventive within the meaning of PCT Article 33(3).